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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Eighteenth session

Summary record of the 344th meeting*
Held at the Palais des Nations, Geneva, on Monday, 21 August 2017, at 3 p.m.

Chair: Ms. Degener

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Latvia

* No summary record was issued for the 345th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Latvia (CRPD/C/LVA/1; CRPD/C/LVA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

2. **Mr. Alliks** (Latvia), introducing his country's initial report (CRPD/C/LVA/1), said that his delegation hoped to gain from the interactive dialogue a clear assessment of the country's progress in implementing the Convention and guidance on the way forward. The report reflected input from all levels of government and from civil society, including organizations of persons with disabilities.

3. The Ministry of Welfare was the focal point for implementing the Convention, while the Office of the Ombudsman was responsible for monitoring implementation. Ministries were responsible for implementing the Convention's provisions in their respective sectors. The main policy document, the Guidelines for Implementation of the Convention on the Rights of Persons with Disabilities for the period 2014-2020, was complemented by shorter-term action plans. Measures for implementing specific aspects of the Convention were also included in other major policy guidelines and plans They covered areas such as social services and social work, inclusive labour markets, inclusive education, health care and the transition from long-term institutional care to community-based services.

4. Since signing the Convention, Latvia had, despite a severe financial crisis, managed to keep disability-related social spending at pre-crisis levels and even introduce new services. It had reformed some legislation affecting persons with disabilities and introduced policies and support services to enable the participation of such persons in the labour market. With funding from the European Union, his Government was working to develop independent living and community-based services.

5. His country also contributed to enhancing the visibility of disability issues at the regional level. During its presidency of the Council of the European Union in 2015, Latvia had hosted a high-level meeting on such issues. It had also organized a conference on deinstitutionalization and further development of social care policy in Europe. The conference had brought together a wide range of stakeholders from European Union member States. During the Latvian presidency, the Council had also adopted conclusions on disability-inclusive disaster management.

6. His Government was aware that closer inter-institutional cooperation would be needed in order to fully implement the Convention. It was committed to ensuring that persons with disabilities could participate fully in the celebration, in 2018, of the 100-year anniversary of the first Latvian Republic's founding. The organizers would receive guidelines for achieving that goal.

7. **Mr. Jansons** (Ombudsman, Latvia) said that he was grateful for the opportunity to cooperate with the Committee on issues affecting persons with disabilities in Latvia. His office, which was the official independent mechanism for monitoring implementation of the Convention in Latvia, collaborated with State institutions on various issues regarding the Convention's implementation. Some of his recommendations had been taken into consideration; his report to the Committee detailed those that had not. While he considered all the points in his report to be of the utmost importance, he invited the Committee to focus in particular on his comments regarding the implementation of articles 7, 9, 11-13, 15, 19, 20, 22-26 and 28. As the Government had provided more information about the legal framework for implementation than about implementation itself, it was especially important to now discuss the latter. The waiting time for access to technical aids and rehabilitation services, and the quality of technical aids, remained areas of particular concern that he had been highlighting since 2011.

8. **Mr. Ruskus** (Country Rapporteur) said that the State party was to be commended for including input from organizations of persons with disabilities in its report. The adoption of an action plan for deinstitutionalization was a welcome step, as was the

promotion of universal design principles, which had made some historical sites and resort areas accessible to persons with disabilities.

9. Nevertheless persons with disabilities in Latvia still faced many challenges. For example, disability was still viewed as a medical rather than a human rights issue. Despite recent legal reforms, assessment of the degree of disability — for example, when gauging fitness for work — still prioritized a medical approach. Meanwhile, fundraising campaigns showcasing children with disabilities suggested that persons with disabilities were objects of charity. All that implied that such persons were somehow deficient.

10. Discriminatory laws regarding guardianship and partial legal capacity remained on the books despite amendments in 2013 to civil law. There was a lack of understanding of alternatives to the restriction of legal capacity, such as supported decision-making, and organizations of persons with disabilities were to be commended for putting their weight behind initiatives to implement supported decision-making mechanisms.

11. The slow pace of deinstitutionalization was a cause for concern. Allegedly people were sometimes, under the guise of deinstitutionalization, merely transferred from one institution to another. Municipalities were not sufficiently committed to deinstitutionalization, and there was little knowledge about independent living as a rights-based provision. In particular, persons with psychosocial or intellectual disabilities could be sent to psychiatric institutions if their communities did not offer appropriate treatment. The high number of deaths among institutionalized adults with such disabilities was alarming. Also worrisome was the fact that children with disabilities remained in long-term care centres owing to a lack of community-based early intervention and other services needed by them and their families. The European Union provided significant funding for deinstitutionalization and there was thus no excuse for the State party to miss an opportunity to develop independent living arrangements.

12. The Committee was concerned that most children with disabilities still attended special schools or were homeschooled because of the insufficient accessibility of schools, and that women and girls with disabilities were invisible in discrimination-related national legislation and policies.

13. He wished to stress several other points. First, the State party must implement the Sustainable Development Goals in line with the Convention. Second, it must include the questions developed by the Washington Group on Disability Statistics among its tools for collecting data Third, he wished to draw attention to the Committee's general comment No. 1 (2014), on equal recognition before the law, and to its guidelines on article 14 of the Convention, according to which forced institutionalization and treatment contravened the obligations of States parties under the Convention and the human rights model of disability enshrined therein. He also wished to recall that article 4 of the Convention prohibited State parties from engaging in any act or practice inconsistent with the Convention, including the drafting of such norms, statutes or regulations in the context of their participation in the work of regional organizations.

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14. **Mr. Basharu** said that serious concern had been expressed about the participation of persons with disabilities and organizations representing them in decision-making. He would appreciate an explanation of how they were included in decision-making processes and why some major organizations chose not to be represented on the National Council on Disability Affairs.

15. The State party had provided very little information regarding women and girls with disabilities. He would like information about how their full inclusion and participation in decision-making processes were ensured, and about efforts to prevent discrimination against them. Also, he would like to know what steps were being taken to end the exploitation of children with disabilities in televised fundraising campaigns.

16. **Mr. Chaker** asked what mechanisms were in place to ensure that awareness-raising activities gave life to laws and policies on behalf of persons with intellectual and psychosocial disabilities.

17. **Mr. Parra Dussan** said that the legal definition of disability should be harmonized with that in the Convention. He asked whether the State party's legislation contained a clear definition of discrimination on the basis of disability, whether there were statistical data regarding acts of such discrimination, and how they were punished. He asked the delegation to comment on the fundraising campaigns mentioned by Mr. Ruskus and Mr. Basharu.

18. **Mr. Rukhledev** asked how the State party implemented article 8 of the Convention, on awareness-raising, to combat stereotypes, prejudice and harmful practices with regard to persons with disabilities. Regarding article 9, he wished to emphasize that not only physical infrastructure such as public buildings and transport but also information should be accessible to persons with disabilities. Did the State party use information and communication technologies for that purpose? Was it training sign language interpreters?

19. **Mr. Tatić** asked why the report used the term "integration" instead of "inclusion". Noting that Latvian legislation prohibited employment-related discrimination against persons with disabilities, he wondered if there were plans to expand the prohibition to other areas such as the provision of goods and services, health care and education. He would like statistical data on cases in which individuals or legal entities had been punished for not applying accessibility standards. He asked whether architecture and engineering curricula, as well as continuing education programmes for members of those professions, were required to cover universal design and accessibility principles, and whether the Committee's general comment No. 2 (2014), on accessibility, had been translated into Latvian. Lastly, he wondered how easy it would be for a wheelchair user to visit Riga. How accessible were the airport, the public transport system, hotels, government buildings and other public institutions?

20. **Mr. Kabue** said that he would like more information on how persons with disabilities participated in policy formulation and implementation, and on how the Ministry of Welfare, as the focal point for implementing the Convention, and the National Council on Disability Affairs collaborated with organizations of persons with disabilities.

21. He asked whether the use of children with disabilities in televised fundraising appeals was deliberate or an oversight, regular or occasional. Did the State party have a policy in that regard? In any case the practice must stop.

22. **Mr. Kim** Hyung Shik asked how the classification of disabilities as "moderate", "severe" and "very severe" was used and whether it complied with the Convention's definition of disability. He would like an explanation of the cooperation between the Ministry of Welfare and other ministries, and particularly of how conflicts were handled. He asked how actively the State party had solicited the participation of representatives of persons with disabilities in the development of national policies on disability and in the preparation of the report. He wondered what support was provided to parents of children with disabilities.

23. **Mr. Buntan** asked how many complaints had been lodged regarding cases of discrimination on grounds of disability and whether data were available on remedies awarded. Reports indicated that children with disabilities who lived with their families rather than in institutions could not gain access to assistive devices; how was the Government intending to rectify that situation? He also wished to hear how the public procurement policy had improved accessibility for persons with disabilities in the areas of the built environment, transport and information technology, and whether the standards used for the latter were based on international norms.

24. **Mr. Babu** said that he would like to know whether the Government had adopted national guidelines on accessibility for persons with disabilities. He would also welcome details on the causes of the deaths in State-run social care institutions in 2015 and any inquiries that had been conducted into them.

25. **Mr. Ahsif** said that he would like to hear about measures to protect children with disabilities from physical ill-treatment and exploitation and provide support for their families. Information would also be welcome on any media strategy for raising awareness of the rights of persons with disabilities.

26. **The Chair** said that, given the need to combat multiple discrimination, she had been surprised to hear no mention of a programme to empower women with disabilities. She was also concerned that there were 60 special schools for children with disabilities in the country and wondered whether there had been any transition to inclusive education since ratification of the Convention.

27. **Mr. Ruskus** said that, in the light of reports that persons, including children, with intellectual disabilities did not qualify for government support, he would like clarification of the certification procedure used.

The meeting was suspended at 3.55 p.m. and resumed at 4.15 p.m.

28. **Mr. Alliks** (Latvia) said that his country was developing new services to facilitate the transition from a medicalized approach to an inclusive social model of disability, encouraging independent living and active participation in society. The principle of equality was enshrined in the Constitution, meaning that there could be no discrimination on grounds of disability in employment legislation, consumer rights or any other area. The organization of public services, education, social assistance and so on fell within the mandate of the autonomous municipal authorities, which worked to promote the interests of all citizens, including persons with disabilities. Ratification of the Convention had led to increased awareness of the rights of persons with disabilities, with the dissemination of information through seminars and projects organized by State bodies and non-governmental organizations (NGOs).

29. **Ms. Celmiņa** (Latvia) said that the level of disability — moderate, severe or very severe — was determined by a commission of medical experts. Since changes to the system in 2015, functional impairments, including loss of the ability to work, had been taken into account, and other kinds of experts, such as psychotherapists, were also now involved in the assessment. The person concerned — who was not required to be physically present — was asked to provide a self-assessment.

30. The National Council on Disability Affairs had been set up by the Ministry of Welfare in 2007 and approved by the Cabinet of Ministers. While in the past its emphasis had been on integration, it now focused more on inclusion and on considering the rights of persons with disabilities. Chaired by the Minister of Welfare, the Council was composed of representatives of other ministries, the Ombudsman's Office, organizations of persons with disabilities, trade unions, the employers' federation and other NGOs. The Council met at least four times each year and could invite other organizations to participate in its deliberations. They in turn could request that particular topics be included in the Council's workplan. It also consulted external experts, including persons involved in implementation of the European Regional Development Fund and the Cohesion Fund in the area of environmental accessibility, for which guidelines had been introduced in 2011 and would be updated in 2017. Her ministry offered lectures on the concept of universal design to staff of ministries, architects and other professionals to raise their awareness and promote a common understanding of requirements in all parts of the Government.

31. Media policy guidelines included the development of a code of ethics for the industry, and a media ombudsman would be appointed in 2018; any unethical representation of children in the media would be prohibited. NGO fundraising work was not coordinated with the Government, but the issue mentioned would be raised with the relevant fundraisers.

32. The rules of the Cabinet of Ministers ensured that the development of policy planning documents included consultation of the target group in question early in the process; any proposed amendments could be submitted to the relevant ministry and must then be included in the documents put to the Cabinet of Ministers.

33. In respect of gender equality, the number of women and men with disabilities had grown in equal proportions over recent years and their needs were assessed on an individual basis, regardless of gender. The Ministry of Welfare was developing a gender equality plan that would be connected to the disability action plan. Since 2014, victims of violence had been entitled to social assistance, subject to an individual assessment of their needs and resources; approximately 4 per cent of the recipients were women with disabilities.

34. Although the Committee's general comment No. 2 (2014), on accessibility, was available only in English in Latvia, it could be translated into Latvian before the end of 2017. Children with disabilities were provided with support staff in schools from the age of 5 years, and, from 2017, a broad range of social services had been made available to younger children with the help of European funding.

35. **Mr. Ivanovs** (Latvia) said that children with disabilities were provided with assistive devices, including modern aids such as audiovisual communication technology, whether they lived in institutions or with their families. The Government was working with NGOs to evaluate the functioning of the public procurement system and considering the introduction of more direct methods of making devices available. There were approximately 100 sign language interpreters available in the country to help persons with hearing impairments. The families of children with functional impairments could access services including family consultations and support for parents as well as for children, notably through the increased number of day-care centres. As a result of improved facilities and staff training, the number of deaths in care had fallen from 13 children in 2010 to 2 in 2016.

36. **Ms. Reigase** (Latvia) said that children with disabilities were considered learners with special needs. The main aim of the guidelines on education policy for the period 2014-2020 was to provide high-quality inclusive education for the well-being of both the individual and society. There were still many special schools in the country, but inclusion had been made a priority and children with special needs were increasingly provided for in 415 of the country's 705 mainstream schools; the system would be completely reformed in 2018. Twelve of the special schools had become resource centres that offered help to parents and advice and training for teachers from mainstream schools. An interministerial working group was consulting with parents' organizations to develop an appropriate basket of services to be provided in all schools.

37. **Ms. Pabērza-Draudiņa** (Latvia) said that municipalities had autonomy in monitoring and budget implementation, including the provision of social assistance for vulnerable groups. The Ministry of Environmental Protection and Regional Development could give its opinion on regulations issued by the municipalities: it had given 79 negative opinions in 2016 and 33 thus far in 2017.

38. Ensuring the accessibility of municipal buildings was the responsibility of the municipalities, a number of which received funding for that purpose from the European Structural and Investment Funds. The State awarded grants for the development of one-stop agencies for public services provided that the proposed agencies met accessibility requirements. Environmental accessibility was a guiding principle of the Construction Law, which served as the basis for all building regulations in Latvia.

39. The websites and mobile applications of the country's public institutions would be required to meet common European accessibility requirements starting in September 2018. A pilot project, which would involve the development of a shared content-management platform, had been launched by the State Chancellery to ensure that Latvia would be in a position to implement Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies. The budget for the project was approximately €2 million.

40. **Mr. Lazarevs** (Latvia) said that the Ministry of the Economy was responsible for coordinating and monitoring construction policies. Policies were drafted or amended in consultation with other stakeholders, including relevant NGOs. In 2015, for instance, NGOs had been involved in a revision of accessibility standards. Developers whose plans did not comply with building regulations, including those regarding accessibility, would be denied building permits, and completed buildings that were not in compliance would not be approved. All building specialists, including architects, were expected to be familiar with building regulations. Their licences could be suspended or revoked if they failed to comply with them. Environmental accessibility was a major principle of construction.

41. Detailed guidelines on the accessibility requirements for public buildings had been published in 2016. Riga International Airport had recently been renovated and was accessible to persons with disabilities, as was an increasingly large part of Riga itself. The

Ministry of the Economy, in cooperation with the Ministry of Welfare and NGOs, had given talks on accessibility to various audiences involved in public constructions projects.

42. **Ms. Ļeonova** (Latvia) said that providers of suburban and regional public transport services had until 2022 to achieve full compliance with relevant standards, while city transport services had until 2024. Half of all regional buses were accessible to persons with disabilities, and the operators of buses that were not accessible were required to offer transport on demand, with 72 hours' notice, to such persons. In Riga, 74 per cent of the means of transport were accessible. The wheelchair lifts on the trains in Riga had been used 786 times from 2014 to 2017.

43. **Ms. Celmiņa** (Latvia) said that the results of a Eurobarometer survey on discrimination, which was administered every three years and had been conducted most recently in 2015, shed considerable light on attitudes towards persons with disabilities and could be used to inform efforts to combat discrimination against such persons. The results of surveys by the Office of the Ombudsman were also useful. The Ministry of Finance was conducting an audit of the accessibility of public services and information. The audit would culminate in specific recommendations on removing barriers and improving accessibility.

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44. **Mr. Kabue** asked what legal assistance — beyond sign language interpretation and courtroom accommodations — was available to persons with disabilities whose rights had been violated. He asked what opportunities persons with disabilities had to live independently in the community. Information on opportunities in respect of housing, sustenance and living with dignity would be especially welcome.

45. **Mr. Chaker** asked whether the delegation could provide information on measures taken to ensure access to justice for women, children and older persons with disabilities who had endured abuse, physical or psychological ill-treatment, sexual violence or exploitation.

46. **Mr. Basharu** said that he would welcome information about measures in place to ensure the safety of deaf persons in situations of risk and emergencies. He would also welcome information about access to justice, including physical access and access to information, for persons with disabilities, in particular those who were blind or deaf and those with psychosocial or intellectual disabilities.

47. It would be interesting to learn more about the State party's current deinstitutionalization efforts. He wondered whether smaller group homes and halfway houses were not simply institutions by another name. Lastly, he asked whether any efforts had been made to reform the system for the provision of assistive devices so that the recommendations of family doctors did not always take precedence over the needs of the prospective users of the devices.

48. **Mr. Rukhledev** said that he would encourage the Government to provide greater support for the study and development of Latvian Sign Language. He wondered who paid for sign language interpretation in judicial proceedings involving deaf persons and whether organizations of deaf persons were involved in the certification of sign language interpreters.

49. **Mr. Tatić**, welcoming the State party's plans to translate general comment No. 2 into Latvian, suggested that the Latvian authorities would do well to ensure that all four of the Committee's general comments, in addition to the forthcoming general comment on the right to independent living, were available in Latvian. He asked whether the State party had any plans to develop a database of information on cases of violence against persons with disabilities, in particular women and girls and children in institutions. It would be interesting to learn more about how the State party had, in the wake of a financial crisis, managed to keep disability-related social spending at pre-crisis levels.

50. **Mr. Babu** asked what mechanisms were in place to ensure access to justice for persons with disabilities, especially those who were deaf or hard of hearing. He inquired how persons with disabilities obtained legal representation and who bore the cost of such representation.

51. **Mr. Parra Dussan** asked what safeguards were in place to ensure that persons with disabilities were not forcibly confined because of their disabilities or because they were found unfit to stand trial. He wondered whether the State party had a personal assistance system to enable persons with severe disabilities to live independently.

52. **Mr. Martin**, noting that according to paragraph 361 of the State party's report persons with mental impairments could stay for up to 30 days in government institutions, asked what was meant by the term "mental impairments". He wondered whether the 30 days could be extended for a person's entire life.

53. **Mr. Kim** Hyung Shik asked whether the authorities were not concerned about the relatively large number of persons in the State party deemed to lack legal capacity. He enquired what steps were taken to ensure that those persons' guardians acted in their charges' best interests, and whether the practice of supported decision-making had been given legal recognition. It would be interesting to know how the €90 million provided by the European Union had contributed to the deinstitutionalization of persons with disabilities. Lastly, he wondered why only persons with intellectual or psychosocial disabilities were included in the State party's deinstitutionalization efforts.

54. **Mr. Buntan** said that he would welcome a comment from the delegation on the practical outcome of the State party's public embrace of disability-inclusive disaster risk reduction. It would be interesting to know, for example, whether persons with disabilities had been involved in the development of disaster prevention and preparedness plans.

55. He asked whether the State party encouraged persons with disabilities to work as lawyers, judges or prosecutors or as judicial officials of other kinds, and whether any form of reasonable accommodation was provided to persons deemed to have partial legal capacity who were accused of crimes and found fit to stand trial. It would be helpful to hear the difference between the resources budgeted for the maintenance of institutions for persons with disabilities and those for efforts to help them live independently.

56. **The Chair** said that she was concerned about the provisions for guardianship in the State party, which appeared not to comply fully with article 12. She asked whether there were plans to introduce supported decision-making. In connection with the confinement and forced treatment of persons with disabilities, she wished to draw the attention of the delegation to the Committee's guidelines on article 14.

57. With regard to corrections facilities for minors, she asked whether any mechanisms were in place to prevent exploitation, violence and abuse, to which women with disabilities were especially vulnerable, and whether the facilities and programmes designed to serve persons with disabilities were effectively monitored by independent authorities. She wondered whether the State party had any plans to amend the legal provisions that evidently made it possible to place children under 2 years of age in long-term care institutions.

58. **Mr. Ruskus** said that he was concerned about the State party's implementation of article 19, not least because public funding for personal assistance was insufficient and the process of securing such assistance involved considerable bureaucratic rigmarole. It would be interesting to learn more about the State party's deinstitutionalization efforts. In particular, he wondered whether the deinstitutionalization process was independently monitored in cooperation with organizations of persons with disabilities and what plans were in place to ensure that the process would continue once funds from the European Union were no longer available. Other concerns on which the delegation should comment included the involuntary committal of persons with disabilities and the absence of protocols for the medical treatment, including through psychotropic drugs, of persons with psychosocial disabilities who could not make their wishes known. The failure to accommodate persons with intellectual or psychosocial disabilities in judicial proceedings was also troubling.

The meeting rose at 5.25 p.m.

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Committee on the Rights of Persons with Disabilities
Eighteenth session

Summary record of the 345th meeting
Held at the Palais des Nations, Geneva, Tuesday, 22 August 2017, at 10 a.m.

Chair: Ms. Degener

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Latvia (*continued*) (CRPD/C/LVA/1; CRPD/C/LVA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

Articles 11-20

2. **Mr. Alliks** (Latvia), replying to questions posed at the previous meeting, said that austerity measures had not been applied to the benefits of persons with disabilities during the economic crisis. No specific formula had been used; there had simply been strong political commitment from the Ministry of Welfare and the Government as a whole to maintaining benefits.

3. **Ms. Medina** (Latvia) said that all new and renovated court buildings were fully adapted to the needs of persons with disabilities and that help with gaining access to older buildings was available. Court proceedings could be followed via an Internet portal by entering a case number or the number of a formal notice. All courts were equipped with videoconferencing systems, which were used when participants in proceedings were unable to attend court in person.

4. Persons with disabilities involved in administrative court proceedings were entitled to sign language interpretation under the Administrative Procedure Law and could choose a representative, appointed orally or in writing, to act on their behalf if they could not fully represent their own interests. If they were charged under the Administrative Violations Code, they were likewise entitled to, under the services of a sign language interpreter and could be accompanied by a lawyer. Persons involved in civil or criminal proceedings who, because of a disability, required interpreting services and access to documentation in particular formats had the right to such accommodations under the legislation governing such proceedings. Persons who, for various reasons, could not afford to pay for legal assistance were entitled to free assistance. In civil cases the court could, in certain circumstances, release a person from the obligation to cover court costs, including interpretation costs. Her Government was not aware of cases in which legal assistance had been denied for reasons related to a person's mental health or physical disability. The Legal Aid Administration assessed each case individually and ensured that all necessary practical assistance, including communication in sign language or in writing, was provided. It regularly organized workshops on legal assistance for staff of municipal social services and orphans' courts, who in turn provided information to persons with disabilities about available assistance.

5. Under the Criminal Law a person was not subject to criminal liability if it was considered that, while committing an offence, the person had not been able to understand or control his or her actions owing to a physical or mental impairment. In such cases, the courts did not apply criminal sanctions but rather compulsory medical measures, such as treatment in a specialized medical or psychiatric establishment. If a person was deemed to have been only partly able to understand or control his or her actions while committing an offence, the court could decrease punishment or replace it with compulsory medical measures. The right to participate in court proceedings was a basic principle in criminal cases and only in exceptional cases could a court decide that, for health reasons, a defendant could not participate. A representative was appointed for persons not deemed fit to participate in proceedings. In all such cases, representation by a State-appointed lawyer was mandatory.

6. The Criminal Procedure Law assigned the status of vulnerable victim to persons who were unable to exercise their procedural rights due to a mental or other health problem; they could participate in proceedings together with a person of trust. Victims who were under guardianship owing to a disability were represented by the guardian or a close relative, a responsible State institution or an appropriate non-governmental organization (NGO).

7. There were no formal obstacles to the employment of persons with disabilities in legal professions provided they had the required qualifications; there were persons with disabilities working as judges and lawyers. The Ministry of Justice was developing a training module for judges on human rights, including the rights of persons with disabilities.

8. **Ms. Stara** (Latvia) said that a pilot project on supported decision-making launched in July 2017 would be implemented by the ZELDA Resource Centre for People with Mental Disabilities and overseen by the Ministry of Welfare. The project would last until November 2020, and 330 persons with mental or intellectual impairments living in the community would have access to the services of a support person for 24 months. Support with decision-making would be provided, including on legal and financial issues, everyday life skills and health and social care issues. As at July 2017 there had been 2,911 persons with restricted legal capacity, amounting to 0.14 per cent of the total population and 12 per cent of all persons with mental impairments.

9. The primary function of orphans' courts was to protect the rights and legal interests of children and adults under guardianship. Under the Civil Law, an orphans' court could dismiss a guardian at any time, and guardians had an obligation to report annually to the court that had appointed them. If a disagreement arose between a person under guardianship and his or her guardian, the case would first be brought before an orphans' court and then, if agreement could not be reached, referred to an ordinary court. Persons whose capacity had been restricted could approach the courts at any time with any issues regarding the guardianship arrangement. Temporary guardianship and restriction of legal capacity were distinct legal mechanisms. Temporary guardians, typically appointed for persons in a coma, could only take care of certain very important matters and ensure that the person's basic care needs were met.

10. **Mr. Bekmanis** (Latvia) said that NGOs had drawn attention to the fact that most emergency alert systems used sound signals and therefore did not ensure the safety of persons with hearing impairments. Under fire safety regulations in force since 2016, in buildings with permanent residents who had hearing impairments, fire alarms had to be equipped with light signals and signs providing visual information on the location of the fire. Construction standards for new and renovated public and apartment buildings included physical and technical requirements for accessible evacuation routes and exits, emergency lighting and signs for persons with disabilities. The State Fire and Rescue Service had text message service for the 112 emergency number for persons with hearing impairments. Messages could be recognized as being from such persons with the help of a database developed in cooperation with the Latvian Association of the Deaf. A special mobile application, which could be downloaded free of charge, allowed users to report emergencies and their exact location. As the existing early warning system used dissemination channels that were not suitable for persons with hearing impairments, in 2018 the Ministry of the Interior would propose an alternative system, such as a cell broadcast system — mobile technology that allowed messages to be broadcast to all mobile handsets and similar devices within a designated geographic area.

11. The Latvian presidency of the Council of the European Union had seen the adoption of conclusions on disability-inclusive disaster management. Those conclusions had thereafter been presented at the third United Nations World Conference on Disaster Risk Reduction in March 2015. In 2015 and 2016, the European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations had solicited proposals for prevention and preparedness projects in areas such as psychosocial support for disaster victims and the needs of persons with disabilities in emergency management. Practical steps in those areas had also been taken at the national level. In 2016, the State Fire and Rescue Service, in cooperation with organizations of persons with disabilities, had held multiple evacuation drills in public buildings. The drills had included training in evacuating persons with disabilities. Further drills were planned in 2017. A national civil protection exercise conducted in 2016 had involved disaster management exercises to test national capabilities and decision-making procedures. In June and July 2017, the State Fire and Rescue Service had held an awareness-raising seminar for the staff of social care institutions on evacuation requirements, fire safety, and civil protection and disaster management issues. A proposal for a joint project involving the national disaster

management authority, Baltic Sea regional partners and organizations of persons with disabilities from the partner countries was awaiting approval.

12. **Mr. Švika** (Latvia) said that the central and regional headquarters of the State Police provided access for wheelchair users, as did newly built and renovated police stations. On the basis of a cooperation agreement between the State Police and the ZELDA Resource Centre for People with Mental Disabilities, a comprehensive training programme on communicating with persons with disabilities had been developed and 80 police officers trained to date. In communicating with persons with long-term physical, mental, intellectual or sensory disorders, officers used a range of tools and formats. The State Police had in 2016 concluded a contract with a provider of sign language interpretation services. In 2015, in cooperation with the Latvian Library for the Blind, the State Police had produced six brochures in Braille on various security-related topics, such as violence, Internet security and addictive substances, which had been disseminated to target groups through organizations of persons with disabilities.

13. **Mr. Mikitis** (Latvia) said that, under relevant legislation, psychiatric treatment required the patient's consent. Only in exceptional cases could patients be hospitalized against their will if they presented a threat to themselves or others. In such cases, the patient must be given an explanation and had the right to receive information on his or her legal rights. Psychiatrists took account of whether a patient was willing to receive treatment and acted in accordance with medical treatment standards prescribed by law. The Health Inspectorate was responsible for monitoring compliance with health care legislation. Restraint could be used only if certain strict criteria were met: the patient must have been hospitalized without consent, compulsory psychiatric treatment must have been ordered, and there must be either a direct threat of injury to the patient or other people or violence on the part of the patient that verbal persuasion had failed to contain. The use of restraint must be proportionate to the direct threat posed and must be discontinued as soon as the threat ceased to exist. The reasons for the use of restraint must be explained to the patient and every instance of restraint be recorded in detail. Restraint by physical or chemical means was permitted.

14. **Mr. Ivanovs** (Latvia) said that the deinstitutionalization process under way in the State party was built around a project financed by the European Regional Development Fund. The project adhered to the State party's social services development guidelines for the period 2014-2020 and aimed to provide individualized community-based social services with a view to facilitating self-care and independent living, providing appropriate psychosocial support, increasing opportunities for family members to rejoin the labour market, and ensuring decent living conditions and high-quality services. There were plans to develop appropriate social care infrastructure and services in individual municipalities so that State facilities could be closed or reorganized. All community-based services would be provided in accordance with European Union standards for moving from institutional to community-based care. The new model would include group homes for those needing such accommodation; such homes would differ from existing institutions in a number of ways, having no permanent staff and being integrated into the community. As part of its holistic approach, the State party was enhancing its network of foster families, including professional ones, and making provision for social mentor services for adults with functional and mental impairments.

15. The deinstitutionalization process focused on the most vulnerable groups in society: adults with mental disabilities, both intellectual and psychosocial, living in public social care institutions, many of whom had additional disabilities such as visual or hearing impairments; children living in institutions; and children with functional impairments living in families. The State provided long-term social care and social rehabilitation services for children without parental care, children with severe mental impairments and adults with various degrees of mental impairment. Participation in the deinstitutionalization process was voluntary and open to those with different degrees and types of disability. Among the main activities planned were partnerships with municipalities to create the necessary new infrastructure, which many places lacked, including housing and day-care centres. More than 100 partnership agreements had been signed so far. They included the obligation to develop community infrastructure and provide community-based services. Individual needs

assessments would be carried out and support plans drawn up. Regional deinstitutionalization plans would also be formulated, covering the reorganization of old-style care homes and training of staff to support clients during the transition.

16. Funding for the provision of community-based services would be disbursed to municipalities as of early 2018. Consideration was already being given to financing after the planned end of the project in 2022. Those who had moved from State institutions to community-based care would continue to receive State support under co-funding arrangements with municipalities. Legislation had been amended accordingly. Funding levels would be calculated on the basis of costs per person, taking into account the average costs of community-based services in each municipality, and would include an additional amount to cover future costs. There would be no further investment in long-term care infrastructure. The primary objective was to avoid new cases of institutionalization, especially among children. Demand for institutional care services for children had decreased significantly in recent years. It was anticipated that the trend would continue: fewer children would be placed in care and for shorter periods, such as when foster families or guardians were being sought. Legislative amendments had already restricted the amount of time that children under the age of 2 without parental care could spend in State residential facilities. Alternative arrangements must be made within six months; in practice, the period was usually much shorter, varying from one to three months. Efforts to expand the foster care network had had a positive impact.

17. In consultation with organizations of persons with disabilities, steps had been taken to improve the provision of assistive aids, including by streamlining needs assessments, avoiding unclear referrals from family doctors and reducing waiting times by moving to a free-market consumption model, whereby persons with disabilities could receive vouchers and deal directly with suppliers, rather than having to wait for lengthy public procurement procedures to be completed. The latter reform had been made in response to a steady stream of complaints. Complaints received were discussed with organizations of persons with disabilities and sometimes the Ombudsman.

18. Medical treatment for clients of community-based social care centres, such as the prescription of drugs to treat psychiatric conditions, must be provided by qualified health-care professionals. Their actions were monitored by the Health Inspectorate. Any complaints received were investigated.

19. **Ms. Celmiņa** (Latvia) said that a new assistance service had been introduced in 2013 in the wake of a crisis in the provision of support to persons with disabilities. The service was run by municipalities but financed centrally. Persons with severe and very severe disabilities were eligible to use the service, which was provided on the basis of individual needs assessments and was also available to children, both through schools and municipalities. A maximum of 40 hours' assistance was given per week to help people perform everyday activities, take part in cultural and other public events and attend educational establishments, day-care centres or treatment appointments. The number of users had more than tripled since the service's introduction, to over 10,000 by 2016; children represented around 10 per cent of the total. The budget for the service had already increased from €4 million to €10 million. A working group, including representatives of organizations of persons with disabilities, had been established to streamline the administration of the service, ensuring transparency and effective use of resources. State- and municipal-level financial support, as a lump sum or to cover loan payments, was available for adapting dwellings for the use of persons with severe visual or hearing impairments or any kind of very severe disability.

20. Persons with disabilities and children who were victims of unlawful and violent actions were entitled to State-funded social rehabilitation services. Since 2013, violence committed against a close relative of a child in the presence of the child had been legally defined as emotional violence towards the child. Among children who had received recovery services, 15 per cent had suffered physical violence, 10 per cent sexual abuse, 46 per cent emotional abuse and 29 per cent parental neglect. The annual cost of recovery services had reached around €2 million in 2016. In 2015, recovery services for adult victims of violence had been introduced in the form of individual consultations or residence in one of the country's 20 crisis centres. Domestic violence was a priority in policy

planning, as it accounted for 80 per cent of cases of violence against children and 40 per cent of cases of violence against women. The Government funded preventive measures, including through the activities of the State Inspectorate for the Protection of Children's Rights, which ran a hotline, and through awareness-raising campaigns that benefited from European Union funding.

21. Information on persons with disabilities was held by the State Medical Commission for the Assessment of Health Condition and Working Ability in a comprehensive database and was disaggregated by numerous factors. The Ministry of Welfare had developed an additional data system to help analyse the impact of welfare policy measures. Connections between data systems were yielding improved statistics on the situation of certain target groups. It was important to note, however, that data were published only in aggregate form to ensure that personal data and the rights of individuals were protected. Information on benefits received was anonymized in the system. Data were accessible to staff of the various institutions involved on a need-to-know basis only.

Articles 21-33

22. **Mr. Lovászy** said that he would like clarification as to why the State party was investing so heavily in special education; whether a road map for dismantling the special education system had been adopted; whether schools were under a legal obligation to implement inclusive education; and whether teachers had received any guidance in that regard. He would also like to know whether organizations of persons with disabilities and parents of children with disabilities had been consulted by the National Centre for Education during the drafting of guidelines for the implementation of inclusive education.

23. It would be useful to know whether the national accessibility strategy would contain binding obligations and whether the State party planned to introduce legislation establishing sanctions and incentives for businesses with a view to improving the accessibility of e-services. Lastly, he would appreciate information on any early identification and rehabilitation services available to parents of children with disabilities.

24. **Mr. Rukhledev** asked whether there were any State programmes or requirements regarding education for deaf persons in the context of inclusive education, and whether the University of Latvia offered teacher training on working with deaf persons. He wondered whether sign language interpreting was available for deaf students and, if so, who covered the cost of that service.

25. He enquired whether there were any parliament members with disabilities; whether voting procedures, facilities and materials were accessible to persons with disabilities; and whether sign language interpreting or captioning was provided for televised debates. He asked what proportion of sporting facilities were accessible to persons with disabilities and what programmes were in place to enable such persons to develop their creative potential.

26. **Mr. Martin** asked what steps were being taken to improve access to dental care and disability equipment for persons with disabilities at the local level and to enable all persons with disabilities to participate in mainstream sporting activities.

27. **Mr. Alsaif** said that he would welcome information on steps taken to designate a focal point within the Government for matters relating to the implementation of the Convention and to establish an independent monitoring mechanism, with due regard for the Paris Principles.

28. **Mr. Buntan** said that he would like more information on legislation relating to the use of Braille and the provision of sign language interpreting, captioning and audio description services for radio and television broadcasts. He asked what measures were being taken to reform special schools in order to establish an inclusive system at all levels of education; how many persons with disabilities worked in sheltered workshops; and whether steps had been taken to facilitate their transfer to the open labour market. He enquired whether State social protection covered members of ethnic minorities who did not possess Latvian citizenship and whether the Government planned to use the questions developed by the Washington Group on Disability Statistics to enhance its disability determination system.

29. **Mr. Basharu** said that he would appreciate information on the types of television programmes that were accessible to hard-of-hearing persons and their quantity, in hours of broadcasting, as well as any measures taken to provide inclusive education for children with disabilities, especially in rural areas, and to train teachers in all aspects of working with such children. It was unclear what proportion of hard-of-hearing persons, particularly in rural areas, had access to the website of the Central Election Commission and therefore to the sign language resources mentioned in paragraph 355 of the State party's report (CRPD/C/LVA/1). Lastly, he would like information on steps taken to involve persons with disabilities and their representative organizations in discussions on disability issues at the European Union level and to build the capacities of national implementation and monitoring bodies.

30. **Mr. Ishikawa** asked what proportion of public-sector websites were in conformity with Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public-sector bodies and whether the Government had introduced legislation on public procurement that established incentives for companies to create accessible products, in accordance with European Union guidance on public procurement.

31. **Mr. Chaker** asked what measures had been taken to ensure that information disseminated via the mass media during elections was accessible to all persons with disabilities, including hard-of-hearing persons, and whether it was true that there were only two sign language interpreters in Latvia.

32. **Mr. Ruskus** said that he would like the delegation to comment on reports that clear procedures had not been established for the registration of individuals and the classification of disabilities in the centralized register on persons with intellectual or psychosocial disabilities; that persons on that register encountered difficulties when seeking access to services and employment; that many practices relating to the register violated the right to privacy of persons with disabilities; and that health professionals often demanded a medical certificate, as opposed to a State-issued disability certificate, as proof of disability.

33. He wondered how the Government planned to improve the accessibility of mainstream health services for all persons with disabilities, and to what extent organizations of persons with disabilities were involved in coordinating and monitoring the implementation of the Convention.

The meeting was suspended at 11.50 a.m. and resumed at 12.05 p.m.

34. **Ms. Reigase** (Latvia), summarizing the information provided in paragraphs 81 to 84 of her country's replies to the list of issues (CRPD/C/LVA/Q/1/Add.1), said that the special education system would be reformed in 2018. There were more than 12,000 children with disabilities enrolled in education, of whom 53 per cent were in mainstream schools. Most inclusive schools were in rural areas.

35. Consultations with various stakeholders, including NGOs and parents of children with disabilities, would be organized during the development of guidelines for the implementation of inclusive education. The principle of inclusive education was defined in the Education Development Guidelines for the period 2014-2020, which provided that all children, including children with disabilities, should have local access to quality education.

36. The State provided funding for 480 hours of sign language interpreting per child per year for all levels of education except preschool; the Ministry of Education was considering ways to increase that amount. Between 2014 and 2016, a total of 1,329 teachers and other educational specialists had received training in inclusive education, at a cost of €150,000. Within the framework of the European Social Fund project on a competency-based approach to educational content, 4,607 teachers and specialists involved in the education of children with disabilities would receive professional development training, at a cost of around €1 million, and 200 mentors in 100 pilot schools would receive training in inclusive practices.

37. Training of teachers to work with deaf persons was provided by the Rezekne Academy of Technologies. The number of trainees in that field varied from year to year. There were only two special schools for hard-of-hearing children, and only 26 such

children in mainstream schools. Sporting activities for persons with disabilities were coordinated by the Latvian Paralympic Committee and Special Olympics Latvia. Since 2010, the Latvian Paralympic Committee had organized an annual sports day, during which persons with disabilities had the opportunity to try out different sports.

38. **Mr. Miķītis** (Latvia) said that the previously mentioned register included not only persons with intellectual or psychosocial disabilities but also persons with a range of medical conditions such as diabetes. The procedures for the establishment and maintenance of the register had been determined by the Cabinet. The register served as a central online database that enabled his country to fulfil its international obligations with regard to the collection of statistical information. Patient information was entered in the register by medical professionals; for persons with psychiatric disorders, the information was entered by a psychiatrist. All changes to the register were monitored and all data in the register were protected by the Personal Data Protection Law.

39. Persons with disabilities who were unable to travel to see a medical professional could receive medical care at home. There was room for improvement when it came to the provision of specialized equipment for persons with disabilities. The Ministry of Health was working to reduce health care waiting times and planned to increase the availability of outpatient services by channelling more funding into specialist consultations and disability prevention.

40. **Ms. Medina** (Latvia) said that the Government was implementing European Union guidelines on public procurement, which had been incorporated into national legislation through the recently adopted law on public procurement. As for political participation, persons with disabilities were entitled to run for election and to serve in the parliament. Between 2010 and 2014, two persons with disabilities had successfully performed their duties as members of the parliament. The current parliament, however, did not have any members with disabilities. Under article 102 of the Constitution, everyone had the right to form and join political parties, to stand for election and to vote in elections. To ensure that persons with disabilities were able to participate in elections at the municipal, national and European levels, accommodations, such as those described in paragraphs 351, 354 and 355 of her country's report, were provided for by law. In 2014, just under 50 per cent of all polling stations across Latvia had been accessible to persons with physical disabilities. Construction standards had since been improved and, during the municipal elections of 2017, 65 per cent of polling stations had been accessible to persons with physical disabilities. It was likely that all polling stations would be accessible to such persons in the near future. Every municipality had public facilities where anyone could use computers and access the Internet free of charge.

41. **Mr. Ivanovs** (Latvia) said that in the past 15 years the scope of social rehabilitation services had increased. Such services currently included group homes, day-care centres and social rehabilitation centres for various categories of the population, including, among others, persons with visual or hearing impairments, victims of human trafficking and drug addicts. State funding for such services increased every year; between 2013 and 2017, funding had increased by approximately 40 per cent. The State funded rehabilitation services for persons with disabilities who were able to work and were seeking further qualifications. The training was provided through vocational courses at secondary schools and other educational establishments. Almost 400 persons with disabilities benefited from vocational training programmes. A project was also being funded to integrate such persons into the labour market. Various services to help with deinstitutionalization were available to families of children with disabilities. Roughly 3,000 families received such support, which included psychiatric consultations for both parents and children and day-care services.

42. **Mr. Kārkliņš** (Latvia) said that the temporary legal status of non-citizens of Latvia had been introduced following the collapse of the Soviet Union. Citizenship was granted to all those who had been citizens at the moment of occupation by the Soviet Union, and to their descendants. Those who had settled in Latvia during the occupation and did not wish to acquire the citizenship of any other country had been granted temporary legal status in an effort to prevent mass statelessness. The status of non-citizen was granted irrespective of ethnicity, gender, social status or any other qualifier. Non-citizens enjoyed the same social and cultural rights as citizens but were not able to vote in elections or engage in any

economic activity related to national security. They were entitled to apply for naturalization at any time. Any concerns that persons with disabilities might suffer discrimination on the basis of their temporary legal status were groundless.

43. **Ms. Pabērza-Draudiņa** (Latvia) said that unified customer service centres and electronic services were accessible to persons with disabilities. Regulations were in place to ensure that the websites of public institutions offered easy-to-read sections for persons with intellectual disabilities. The regulations would be amended in 2018 to bring them into line with Directive 2016/2102 (EU) of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public-sector bodies. A pilot project had been developed to ensure that all public-sector websites complied with the Directive. The project covered 10 State and municipal bodies and would be extended to all public-sector bodies when the pilot stage ended in 2020.

44. **Ms. Celmiņa** (Latvia) said that, according to the State Employment Agency, there had been almost 10,000 registered unemployed persons with disabilities at the end of 2016. The Agency had introduced measures to support the employment of persons with disabilities, such as making workplaces more accessible and hiring sign language interpreters and occupational therapists.

45. With regard to the accessibility of information, international standards for making information easy to read had been translated into Latvian and were publicly available. More films had subtitles and sign language interpretation, and the website of the national radio broadcasting service offered transcripts of the most popular broadcasts. The Latvian Library of the Blind distributed reading materials in Braille and provided audiobooks of all texts in the library.

46. As for international cooperation, Latvia regularly participated in the High Level Group on Disability of the European Commission, as well as the Ad Hoc Committee of Experts on the Rights of Persons with Disabilities of the Council of Europe. The Latvian Umbrella Body for Disability Organizations was a member organization of the European Disability Forum, and the two bodies cooperated closely. In 2018, Latvia, together with a number of other countries, would undergo a peer review relating to the employment of persons with disabilities, which would provide a good opportunity to exchange national experiences.

47. **Mr. Alliks** (Latvia) said that it was the responsibility of the Government to implement measures to help persons with disabilities participate in the labour market and in educational, cultural and social life. The needs of such persons must be balanced with the needs of other social groups, and the Government was tasked with ensuring sustainable policy in order to achieve the full implementation of the Convention. The recommendations of the Committee would be incorporated into an action plan under the guidelines for the implementation of the Convention for the period 2018-2020.

48. **Mr. Jansons** (Ombudsman, Latvia) said that the State party had spoken at length about the legal framework in place to protect the rights of persons with disabilities, but not about the reality of their situation. For example, only a few municipalities complied with the requirement to ensure the accessibility of information on the websites of public bodies. Furthermore, although the State party attempted to separate the duties of municipal bodies from those of national bodies, it was responsible at the international level for the activities of all public bodies. While the delegation had made many references to future plans and programmes, that did not equate to implementation of the Convention at the current time. He hoped that the Committee would take into consideration the issues raised in the alternative report submitted by his Office. That Office was accredited under the Paris Principles, and therefore the State party was obliged to strengthen its capacities. Despite his criticisms, he was aware of the will of the Latvian Government to improve the quality of life of persons with disabilities, and he wished to thank the members of the delegation for their efforts.

49. **Mr. Ruskus** (Country Rapporteur) said that the State party had a good opportunity to become a regional leader in the area of supported decision-making and the restoration of legal capacity for persons with psychosocial disabilities. It should develop a comprehensive national action plan on accessibility, with fixed time frames and monitoring mechanisms;

incorporate issues affecting women and girls with disabilities into anti-discrimination legal provisions and policies; ensure that no child was refused admission to mainstream schools on the basis of disability; allocate additional resources for high-quality inclusive education; and set time frames for the deinstitutionalization of persons with disabilities. The Committee's general comments Nos. 1 to 4, in addition to the new general comment to be adopted at the current session, would assist Latvia in its implementation of the aforementioned recommendations, as would close cooperation with organizations of persons with disabilities.

The meeting rose at 1 p.m.